

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

In re Application of

Atty. Docket

PHILIPPE GENTRIC

PHFR 000100

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Examiner: K.H. Shin

RECEIVER OF DATA COMING FROM MANY PROGRAMS AND METHOD OF RECEIVING
ONE OF MANY PROGRAMS

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Sir:

APPEAL BRIEF

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(i) Real Party in Interest

The real party in interest in this application is KONINKLIJKE PHILIPS ELECTRONICS N.V. by virtue of an assignment from the inventors recorded on January 4, 2002, at Reel 012445, Frames 0426.

(ii) Related Appeals and Interferences

There are no other appeals and/or interferences related to this application.

(iii) Status of Claims

Claims 2-4, 6-8, 10-14 and 17-20 have been cancelled. Claims 1, 5, 9, 15, 16, 21 and 22 stand finally rejected by the Examiner. Appellant hereby appeals the rejection of claims 1, 5, 9, 15, 16, 21 and 22.

(iv) Status of Amendments

There was one Response filed on March 10, 2008, after final rejection of the claims on January 22, 2008, this Response having been considered by the Examiner.

(v) Summary Of Claimed Subject Matter

The subject invention relates to a receiver of data coming from many programs, and also to a method of receiving one of many programs.

As claimed in claim 1, the subject invention includes "An input device for receiving a plurality of programs simultaneously". This is shown in Figs. 1 and 2, and described in the specification on page 2, lines 1-4 and 24-30 in which a plurality of servers (10 and 11) are connected via the Internet 5 to a receiver 1, and in which the receiver 1 includes an interface circuit 35 for linking to the Internet 5.

The subject invention, as claimed in claim 1, further includes "a plurality of program receiving devices coupled to the input device". This is shown in Fig. 2, and described in the specification on page 2, line 31 to page 3, line 2, in which receiving devices 40-44 are connected via respective switches 50-54 to the interface circuit 35 which in turn links the receiving devices 40-44 to the Internet 5.

In addition, the subject invention, as claimed in claim 1, includes "a controller operatively coupled to each of said plurality of program receiving devices, said controller controlling said plurality of program receiving devices to respectively tune to contiguous programs in said plurality of programs". This is shown in Fig. 2-4, and described in the specification on page 2, line 24 to page 3, line 26, where a remote control box 32 couples with the

interface circuit 35 and the switches 50-54 to cause the receiving devices 40-44 to tune to the programs.

The subject invention, as claimed in claim 1, further includes "a reproduction device for reproducing programs". This is shown in Fig. 2, and described in the specification on page 2, lines 25-26, in which a reproduction element 30 includes a display screen and other multi-media devices, e.g., sound.

As claimed in claim 1, the subject invention also includes "a switch coupled to respective outputs of said plurality of program receiving devices, and to an input of the reproduction device, said switch being controlled by said controller to apply the output of one of said plurality of program receiving devices to said reproduction device". This is shown in Fig. 2, and described in the specification on page 2, lines 31-33, and page 3, lines 3-11, in which the reproduction element 30 is connected to the receiving devices 40-44 via a switch 49, and that the remote control box 32 and the interface circuit 35 control the switches 50-54 and 49 to apply a selected program to the reproduction element 30.

In addition, the subject invention, as claimed in claim 1, includes "a user interface coupled to said controller for selectively displaying a listing of programs to which the plurality of program receiving devices are tuned, in which a central program in said listing corresponds to the program currently being displayed on said reproduction device". This is shown in Fig. 3, and described in the specification on page 3, lines 3-11, in which the screen 33 of the remote control box 32 shows a listing of

programs E1-E5, wherein a central area 62 (E3) determines the selected program.

Finally, as claimed in claim 1, the subject invention includes "a user control for incrementally selecting a next desired program to be displayed from said listing of programs, wherein each time said user control increments by one program to a next desired program to be displayed from said listing of programs, said controller controls the switch to select the corresponding program receiving device, and causes the program receiving device tuned to the lowest program in said listing to tune to the next higher program of said plurality of programs to be included in said listing, and each time said user control decrements by one program to a next desired program to be displayed from said listing of programs, said controller controls the switch to select the corresponding program receiving device, and causes the program receiving device tuned to the highest program in said listing to tune to the next lower program of said plurality of programs to be included in said listing". This is shown in Figs. 3 and 4, and described in the specification on page 3, lines 3-32.

In the method of receiving many programs, as claimed in claim 16, the subject invention includes "receiving a plurality of programs". This is shown in Figs. 1 and 2, and described in the specification on page 2, lines 1-4 and 24-30 in which a plurality of servers (10 and 11) are connected via the Internet 5 to a receiver 1, and in which the receiver 1 includes an interface circuit 35 for linking to the Internet 5.

The method of the invention, as claimed in claim 16, further includes "providing, simultaneously to each of a plurality of receiving devices, a respective one of the plurality of programs". This is shown in Fig. 2, and described in the specification on page 2, line 31 to page 3, line 2, in which receiving devices 40-44 are connected via respective switches 50-54 to the interface circuit 35 which in turn links the receiving devices 40-44 to the Internet 5, and in Fig. 2-4, the specification, on page 2, line 24 to page 3, line 26, describes that a remote control box 35 couples with the interface circuit 35 and the switches 50-54 to cause the receiving devices 40-44 to tune to the programs.

In addition, the method of the invention, as claimed in claim 16, includes "providing an output from one of the receiving devices to a reproduction element in response to a user selecting one of the programs already being provided to said one of said plurality of receiving devices". This is shown in Fig. 2, and described in the specification on page 2, lines 31-33, and page 3, lines 3-11, in which the reproduction element 30 is connected to the receiving devices 40-44 via a switch 49, and that the remote control box 32 and the interface circuit 35 control the switches 50-54 and 49 to apply a selected program to the reproduction element 30.

This "providing an output" step, as claimed in claim 16, includes "causing said plurality of receiving devices to respectively tune to contiguous programs in said plurality of programs". This is shown in Fig. 2-4, and described in the specification on page 2, line 24 to page 3, line 26, where a remote

control box 32 couples with the interface circuit 35 and the switches 50-54 to cause the receiving devices 40-44 to tune to the programs.

In addition, the providing an output step in the method of the subject invention includes "displaying a listing of programs to which said plurality of receiving devices are tuned in which a central program in said listing corresponds to the program currently being displayed". This is shown in Fig. 3, and described in the specification on page 3, lines 3-11, in which the screen 33 of the remote control box 32 shows a listing of programs E1-E5, wherein a central area 62 (E3) determines the selected program.

Furthermore, the providing an output step in the method of the subject invention includes "enabling a user to each time increment by one program in the listing to a next program to be displayed, while causing the receiving device tuned to the lowest of the programs in the listing to tune to the next higher program of the plurality of programs. This is shown in Figs. 3-4, and described in the specification on page 3, lines 3-26.

Finally, the providing an output step in the method of the subject invention includes "enabling a user to each time decrement by one program in the listing to a next program to be displayed, which causing the receiving device tuned to the highest program in the listing to tune to the next lower program of the plurality of programs". Again, this is shown in Figs. 3-4, and described in the specification on page 3, lines 3-26.

(vi) Grounds of Rejection to be Reviewed on Appeal

- A. Whether the invention, as claimed in claims 1, 5, 9, 15, 16, 21 and 22, is unpatentable over U.S. Patent 6,005,597 to Barrett et al. in view of U. S. Patent 6,756,997 to Ward, III et al.

(vii) Arguments

A. Whether Claims 1 And 16 Are Unpatentable Under 103(A)

35 U.S.C. 103(a) states:

"A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made."

The Barrett et al. patent discloses a method and apparatus for program selection, in which the program signals from a plurality of receivers are previewed in a main display window and a number of sub-windows, the user of the apparatus selecting the program to be watched from the displayed previews.

The Ward, III et al. patent discloses systems and methods for displaying and recording control interface with television programs, video, advertising information and program scheduling information, in which a viewer interface controls access to programs indicated in an EPG. Once a selection is made by the user, the tuner is tuned to the selected channel.

The subject invention relates to the receiving of a plurality of programs and the selection of one of the programs to be reproduced. In particular, as claimed in claim 1, the receiver includes "a user interface coupled to said controller for selectively displaying a listing of programs to which the plurality of program receiving devices are tuned, in which a central program in said listing corresponds to the program currently being

displayed on said reproduction device", and "a user control for incrementally selecting a next desired program to be displayed from said listing of programs", "wherein each time said user control increments by one program to a next desired program to be displayed from said listing of programs, said controller controls the switch to select the corresponding program receiving device, and causes the program receiving device tuned to the lowest program in said listing to tune to the next higher program of said plurality of programs to be included in said listing, and each time said user control decrements by one program to a next desired program to be displayed from said listing of programs, said controller controls the switch to select the corresponding program receiving device, and causes the program receiving device tuned to the highest program in said listing to tune to the next lower program of said plurality of programs to be included in said listing". These features of the invention are shown in Figs. 3-5 and described in the specification on page 3, line 3 to page 4, line 2.

As indicated in MPEP § 2143.03, "To establish *prima facie* obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. *In re Royka*, 490 F.2d 981, 180 USPQ 580 (CCPA 1974). "All words in a claim must be considered in judging the patentability of that claim against the prior art." *In re Wilson*, 424 F.2d 1382, 1385, 165 USPQ 494, 496 (CCPA 1970)."

The Examiner indicates that the claim 1 (and claim 16) limitation "a user interface coupled to said controller for selectively displaying a listing of programs to which the plurality

of program receiving devices are tuned, in which a central program in said listing corresponds to the program currently being displayed on said reproduction device" is disclosed by Barrett et al., at col. 4, lines 11-22: "successively display list of programs, main window has highest rated program".

Appellant submits that the Examiner is mistaken. The noted section of Barrett et al. states:

"At block 230, the highest ranking programs, which represent the programs having the best match with the viewer profile, are presented to the viewer in order of ranking. The programs may be presented to the viewer in a number of ways. In one embodiment, for example, upon turning on a television receiver, the current highest ranking program is presented to the viewer in the main viewing area of a television screen, while the next highest ranking program is shown in a smaller "picture-in-a-picture" preview window. By activating an appropriate command via a remote control device the viewer may cause successively lower ranking programs to be displayed in the main and preview windows."

It should be apparent that while Barrett et al. states "The programs may be presented to the viewer in a number of ways", Barrett et al. does not show a listing of programs. Rather, the only embodiment described in Barrett et al. is at col. 12, lines 41-67, describing Figs. 13 and 14, wherein a main window on the display shows, e.g., the highest scoring program, while a PIP window (Fig. 13) or multiple PIP windows (Fig. 14) show succeeding next highest scoring programs (alternatively, the main window shows a viewer selected program while the PIP window(s) show the next higher scoring program).

Appellant submits, therefore, that Barrett et al. neither shows nor suggests the user interface showing "a listing of

programs to which the plurality of program receiving devices are tuned, in which a central program in said listing corresponds to the program currently being displayed on said reproduction device".

The Examiner further indicates that the claim limitation "each time said user control decrements by one program to a next desired program to be displayed from said listing of programs, said controller controls the switch to select the corresponding program receiving device, and causes the program receiving device tuned to the highest program in said listing to tune to the next lower program of said plurality of programs to be included in said listing" is also taught by Barrett et al., "See Barrett Figure 1: program listing; col. 2, lines 59-62: on screen menu; col. 12, lines 56-62; col. 14, lines 9-13: user interface; col. 11, lines 48-51: controller coupled to receiving devices, tune to channel; col. 4, lines 11-22: successively navigate through program listing (highest ranking to next lower ranking)".

Appellant again submits that the Examiner is mistaken. In particular, Fig. 1 of Barrett et al. does not show a listing of programs to which the program receiving devices are tuned. Rather, as described in Barrett et al. at col. 3, lines 3-4 "FIG. 1 shows an example of an on-line internet chart form television program listing of the prior art". As such, this merely a listing of available programs, not programs to which the program receiving devices are tuned. While Barrett et al. discloses "on screen menu" (col. 2, lines 59-62), "user interface" (col. 14, lines 9-13), "controller coupled to receiving devices, tune to channel" (col.

11, lines 48-51), and "successively navigate through program listing (highest ranking to next lower ranking)" (col. 4, lines 11-22), these are merely disjointed terms taken out of context in the claim limitation. Appellant submits that there is no disclosure in Barrett et al. of "each time said user control decrements by one program to a next desired program to be displayed from said listing of programs, said controller controls the switch to select the corresponding program receiving device, and causes the program receiving device tuned to the highest program in said listing to tune to the next lower program of said plurality of programs to be included in said listing" (emphasis added). In particular, while Barrett et al. may disclose the first portion of the limitation, there is no disclosure that the controller "causes the program receiving device tuned to the highest program in said listing to tune to the next lower program of said plurality of programs to be included in said listing". Since the program listing is of the programs currently being tuned to by the program receiving devices, in order to maintain that the "central program in said listing corresponds to the program currently being displayed on said reproduction device", it is necessary that the controller adjusts the program receiving devices accordingly.

The Examiner now states that Ward, III et al. discloses the claim limitation "wherein each time said user control increments by one program to a next desired program to be displayed from said listing of programs, said controller controls the switch to select the corresponding program receiving device, and causes the program

receiving device tuned to the lowest program in said listing to tune to the next higher program of said plurality of programs to be included in said listing", and states "see Ward col. 10, lines 18-21, col. 10, lines 38-46: "previous" selection, increment".

Again, Appellant submits that the Examiner is mistaken. In particular, the noted sections of Ward, III et al. state:

"The viewer can choose to view the Grid Guide in an "all channel" format which displays in some order every channel and the listings of programs already in progress or scheduled to begin at some time in the future."

and

"In the "Channel Guide" format, the viewer can select to view the Channel Guide for the "next" channel or for the "previous" channel. In one embodiment, the "Next" and "Previous" Channel Guide is an option on one of the EPG menus, action buttons or task bars. In another embodiment, the viewer's remote control device provides "Next" and "Previous" Channel Guide keys. In another embodiment, the viewer uses the up and down arrow keys to navigate to the next or previous Channel Guides."

Appellant submits that it should be clear that Ward, III et al. is describing maneuvering through a channel guide, that is, an electronic program guide (EPG). The moving through the channel guide does not have any effect on the tuning of a program receiving device until one of the programs is actually selected by the user. Appellant stresses that there is no disclosure or suggestion of how multiple program receiving devices should be controlled to achieve the claim limitation.

Based on the above arguments, Appellant believes that the Examiner has not established a prima facie case of obviousness, and

the subject invention is not rendered obvious by the prior art and is patentable thereover. Therefore, Appellant respectfully requests that this Board reverse the decisions of the Examiner and allow this application to pass on to issue.

Respectfully submitted,

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(viii) Claims Appendix

1. (Previously Presented) A receiver of data originating from many programs, the receiver comprising:

An input device for receiving a plurality of programs simultaneously;

5 a plurality of program receiving devices coupled to the input device;

a controller operatively coupled to each of said plurality of program receiving devices, said controller controlling said plurality of program receiving devices to respectively tune to
10 contiguous programs in said plurality of programs;

a reproduction device for reproducing programs;

a switch coupled to respective outputs of said plurality of program receiving devices, and to an input of the reproduction device, said switch being controlled by said controller to apply
15 the output of one of said plurality of program receiving devices to said reproduction device;

a user interface coupled to said controller for selectively displaying a listing of programs to which the plurality of program receiving devices are tuned, in which a central program
20 in said listing corresponds to the program currently being displayed on said reproduction device; and

a user control for incrementally selecting a next desired program to be displayed from said listing of programs,

wherein each time said user control increments by one program to a
25 next desired program to be displayed from said listing of programs,
said controller controls the switch to select the corresponding
program receiving device, and causes the program receiving device
tuned to the lowest program in said listing to tune to the next
higher program of said plurality of programs to be included in said
30 listing, and each time said user control decrements by one program
to a next desired program to be displayed from said listing of
programs, said controller controls the switch to select the
corresponding program receiving device, and causes the program
receiving device tuned to the highest program in said listing to
35 tune to the next lower program of said plurality of programs to be
included in said listing.

5. (Previously Presented) The receiver as claimed in claim 1,
characterized in that the plurality of programs come from the
Internet.

9. (Previously Presented) The receiver as claimed in claim 1,
wherein each of the plurality of program receiving devices
processes a program received from the input device.

15. (Previously Presented) The receiver as claimed in claim 1,
wherein the user interface causes the controller to rotate the
program from one of the program receiving devices to another of the
program receiving devices.

16. (Previously Presented) A method comprising the steps of:

receiving a plurality of programs;

providing, simultaneously to each of a plurality of
receiving devices, a respective one of the plurality of programs;

5 and

providing an output from one of the receiving devices to a
reproduction element in response to a user selecting one of the
programs already being provided to said one of said plurality of
receiving devices,

10 wherein said providing an output step includes the sub-steps of:

causing said plurality of receiving devices to
respectively tune to contiguous programs in said plurality of
programs;

displaying a listing of programs to which said plurality
15 of receiving devices are tuned in which a central program in said
listing corresponds to the program currently being displayed;

enabling a user to each time increment by one program in
the listing to a next program to be displayed, while causing the
receiving device tuned to the lowest of the programs in the listing
20 to tune to the next higher program of the plurality of programs;
and

enabling a user to each time decrement by one program in
the listing to a next program to be displayed, which causing the
receiving device tuned to the highest program in the listing to
25 tune to the next lower program of the plurality of programs.

21. (Previously Presented) The receiver as claimed in claim 1, wherein the controller generates a list of programs from said plurality of programs based on viewing preferences of a user.

22. (Previously Presented) The method as claimed in claim 16, wherein a list of programs to be applied to said receiving devices is generated from said plurality of programs based on viewing preferences of a user.

(ix) Evidence Appendix

There is no evidence which had been submitted under 37 C.F.R. 1.130, 1.131 or 1.132, or any other evidence entered by the Examiner and relied upon by Appellant in this Appeal.

(x) Related Proceedings Appendix

Since there were no proceedings identified in section (ii) herein, there are no decisions rendered by a court or the Board in any proceeding identified pursuant to paragraph (c)(1)(ii) of 37 C.F.R. 41.37.